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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

CITY OF SPOKANE, a municipal
corporation located in the County of
Spokane, State of Washington,

Plaintiff,

v.

MONSANTO COMPANY, SOLUTIA
INC., and PHARMACIA
CORPORATION, and DOES 1 through
100.

Defendants.

Case No.: 2:15-cv-00201-SMJ

**JOINT STATEMENT OF
UNCONTROVERTED FACTS**

Hearing: June 24, 2020 at 8:30 a.m.
Richland
With Oral Argument

Pursuant to the Court's Scheduling Order, ECF No. 206, Plaintiff City of Spokane ("City") and Defendants Monsanto Company, Solutia Inc., and Pharmacia LLC (collectively "Monsanto") submit the following Joint Statement of Uncontroverted Facts¹ regarding Plaintiff's Motion for Summary Judgment (ECF No. 410).

Plaintiff's Undisputed Material Facts:

1. On April 26, 2017, Defendants filed their "First Amended Answer to Plaintiff's Complaint and Counterclaims."
2. Disputed. ECF No. 527.
3. Disputed. ECF No. 527.
4. Disputed. ECF No. 527.
5. Disputed. ECF No. 527.
6. Disputed. ECF No. 527.
7. Disputed. ECF No. 527.
8. Defendants' Answer alleges the "Government Contractor Defense" as their Fortieth (40th) Affirmative Defense.
9. Disputed. ECF No. 527.

¹ This statement represents a list of the factual assertions by Spokane to which Monsanto made no objections. It should not be construed as an admission by either party regarding the legitimacy of any objection.

Defendants' Counter-Statement of Undisputed Material Fact:

1. Under the National Pollutant Discharge Elimination System ("NPDES"), Washington State may issue two types of permits to control discharge into the Spokane River: individual permits and general permits. Individual permits are permits for a specific discharge at a specific location. General permits are permits for a group of similar discharges at diverse locations.
2. Disputed. ECF No. 567.
3. Washington State issued the Industrial Stormwater General Permit ("ISPG NPDES Permit"), which is a "statewide permit that applies to *facilities* conducting *industrial activities* that discharge *stormwater* to a surface waterbody or to a *storm sewer* system that drains to a surface waterbody." (emphasis in original)
4. Disputed. ECF No. 567.

RESPECTFULLY SUBMITTED this 6th day of March 2020.

PLAINTIFF CITY OF SPOKANE

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28 Pharmacia LLC

CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

By: s/ Brett Land

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